

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERRILL LYNCH MORTGAGE CAPITAL INC.,

Plaintiff,

- against -

RALPH ESMERIAN, CALYPSO MINES LLC,  
ENDYMION, LLC, R. ESMERIAN INC, TANGO  
LLC and FOXTROT LLC,

Defendants.

Electronically Filed

Case No. 08-cv-5058 (NRB)(MHD)

NY County Supreme Court  
Index No. 600012/2008

**RULE 7.1 STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1, the undersigned counsel for plaintiff Merrill Lynch Mortgage Capital Inc. ("MLMCI") certifies that MLMCI is an indirect wholly-owned subsidiary of Merrill Lynch & Co., Inc. Merrill Lynch & Co., Inc. is a publicly held company. No other publicly held entity owns 10% or more in MLMCI.

Dated: New York, New York  
June 12, 2008

CADWALADER, WICKERSHAM & TAFT LLP

By: /s/ Howard R. Hawkins, Jr.  
Howard R. Hawkins, Jr.  
John J. Rapisardi  
Ellen M. Halstead

Cadwalader, Wickersham & Taft LLP  
One World Financial Center  
New York, New York 10281  
Telephone: (212) 504-6000  
Facsimile: (212) 504-6666  
*Attorneys for Plaintiff*  
*Merrill Lynch Mortgage Capital Inc.*